

AMENDATORY SECTION (Amending WSR 94-07-066, filed 3/14/94, effective 4/14/94)

WAC 458-19-005 Definitions. (1) Introduction. This rule contains definitions of the terms used throughout chapters 84.52 and 84.55 RCW and chapter 458-19 WAC in the administration of the system used to levy property taxes on taxable property within the state of Washington.

(2) Unless the context clearly requires otherwise, the following definitions apply ~~((throughout this chapter))~~:

~~((1))~~ (a) "Annexation" ~~((is the act of))~~ means one taxing district is adding territory or another dissimilar taxing district from outside the annexing taxing district's boundary and includes a merger of a portion of a fire protection district under chapter 52.06 RCW with another fire protection district.

~~((2))~~ (b) "Assessed value" ~~((is))~~ means the value of taxable property placed on the assessment rolls. The term is often abbreviated with the initials "A.V."

~~((3))~~ (c) "Certified property tax levy" ~~((is))~~ means the levy certified by a taxing district to the county assessor, either through the county legislative authority or directly to the assessor ~~((directly))~~.

~~((4))~~ (d) "Certified property tax levy rate" ~~((is))~~ means the tax rate calculated by the county assessor in accordance with law~~((r))~~ to produce the lawful amount of the certified property tax levy.

~~((5))~~ (e) "Consolidated levy rate" means:

~~((a))~~ (i) For purposes of the statutory aggregate dollar rate levy limit ~~(((\$5.90))~~, the sum of all regular levy rates set for collection exclusive of rates set for port and public utility districts, emergency medical services under RCW 84.52.069, conservation futures under RCW 84.34.230, ~~((and))~~ levies to finance affordable housing under RCW 84.52.105~~((r~~

~~((b))~~, and the portion of metropolitan park district levies protected under RCW 84.52.120; and

(ii) For purposes of the constitutional one percent ~~((levy))~~ limit, the sum of all regular levy rates set for collection exclusive of rates set for port and public utility districts.

~~((6))~~ (f) "Consolidation" ~~((is))~~ means the act of combining two or more similar taxing districts into one taxing district; for example, the combination of two fire protection districts into one fire protection district.

~~((7))~~ ~~"Constitutional limit" or~~) (g) "Constitutional one percent ~~(levy)~~ limit" means the levy limit established by Article VII, section 2 of the state Constitution, which prohibits the aggregate of all tax levies on real and personal property from exceeding one percent (\$10 per \$1,000) of the true and fair value of property. This limit does not apply to excess levies, levies by port districts, and levies by public utility districts. This limit is also ~~((stated))~~ set forth in RCW 84.52.050.

~~((8))~~) (h) "Department" means the department of revenue of the state of Washington.

~~((9))~~) (i) "Excess property tax levy" ~~((means the lawfully authorized levy by a taxing district, other than a port or public utility district, of additional taxes in excess of the statutory aggregate dollar rate limit, the statutory dollar rate limit, or the constitutional one percent levy limit, when authorized so to do by the voters of the taxing district in the manner specified in the state Constitution (Article VII, section 2)) or "excess levy"~~ means a voter-approved property tax levy by or for a taxing district, other than a port or public utility district, that is subject to neither the statutory aggregate dollar rate limit set forth in RCW 84.52.043 nor the constitutional one percent limit set forth in Article VII, section 2 of the state Constitution and in RCW 84.52.050. It does not include regular levies allowed to exceed a statutory limit with voter approval.

~~((10))~~) (j) "Improvement" means any valuable change in or addition to real property, including the subdivision or segregation of parcels of real property or the merger of parcels of real property.

~~((11))~~) (k) "Inflation" means the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the Bureau of Economic Analysis of the Federal Department of Commerce in September of the year before the taxes are payable; see RCW 84.55.005.

(l) "Joint taxing district" means a taxing district that exists in two or more counties; the term does not include the state nor does it include an ~~((inter-county))~~ intercounty rural library district.

~~((12))~~) (m) "Junior taxing district" means a taxing district other than the state, a county, a county road district, a city, a town, a port district, or a public utility district.

~~((13))~~) (n) "Levy limit" means the statutorily established limit that prohibits a taxing district, other than the state, from levying regular property taxes for a particular year that exceed the limit factor multiplied by the highest amount of

regular property taxes that could have been lawfully levied in the taxing district in any year since 1985, plus an additional dollar amount calculated by multiplying the increase during the current year of the assessed value in the taxing district due to new construction, improvements to property, and the increase in the value of state assessed property by the levy rate of that district for the preceding year, or the last year the taxing district levied taxes.

(i) For purposes of the levy limit, the phrase "highest amount of regular property taxes that could have been lawfully levied" means the maximum amount that could have been levied by a taxing district under the limitation set forth in chapter 84.55 RCW unless the highest amount that could have been levied was actually restricted by the taxing district's statutory dollar rate limit. If the taxing district's levy was restricted by the statutory dollar rate limit, the highest amount that could have been lawfully levied is the amount produced by multiplying the assessed value of the taxing district by the statutory dollar rate.

(ii) The levy limit for the state is the limit factor multiplied by the highest amount of regular property taxes lawfully levied in the three most recent years, plus an additional dollar amount attributable to new construction, improvements to property, and any increase in the assessed value of state assessed property.

(o) "Levy rate" means the dollar amount per thousand dollars of assessed value applied to taxable property within a taxing district and is calculated by dividing the total amount of a statutorily authorized levy of a taxing district by the total assessed value of that district (~~((, divided by one thousand,))~~) and is expressed in dollars and cents per ~~((one))~~ thousand dollars of assessed value.

~~((+14+))~~ (p) "Limit factor" means:

(i) For taxing districts with a population of less than ten thousand in the calendar year immediately prior to the assessment, one hundred one percent;

(ii) For taxing districts having made a finding of substantial need in accordance with RCW 84.55.0101, the lesser of the substantial need factor or one hundred one percent; or

(iii) For all other taxing districts, including the state, the lesser of one hundred one percent or one hundred percent plus inflation.

(q) "New construction" means the construction or alteration of any property for which a building permit was issued, or should have been issued, under chapter 19.27, 19.27A, or 19.28 RCW or other laws providing for building permits, which results in an increase in the value of the property.

~~((15)) "One hundred six percent limit" is the statutorily established limit that prohibits a taxing district other than the state from levying regular property taxes in any year that exceed one hundred six percent of the highest amount of regular property taxes that could have been lawfully levied in that taxing district in any year since 1985, plus an additional dollar amount calculated by multiplying the increase during the current year of the assessed value in the taxing district due to new construction, improvements to property and the increase in the value of state assessed property by the levy rate of that district for the preceding year.~~

~~(a) For purposes of the one hundred six percent limit, the phrase "highest amount of regular property taxes that could have been lawfully levied" means the maximum levy amount that could have been produced by a taxing district under the one hundred six percent limit unless the highest levy amount that could have been produced was actually restricted by the taxing district's statutory dollar rate limit.~~

~~(b) The state is prohibited from levying regular property taxes in any year that exceed one hundred six percent of the amount of regular property taxes lawfully levied in the highest of the three most recent years, plus the additional dollar amount calculated in the same manner as for other taxing districts.~~

~~((16))~~ (r) "Regular property tax levy" or "regular levy" means a property tax levy by or for a taxing district that is subject to the statutory aggregate dollar rate limit set forth in RCW 84.52.043 ~~((and))~~, the constitutional one percent ~~((levy))~~ limit set forth in RCW 84.52.050, or is a levy imposed by or for a port district or a public utility district.

~~((17))~~ (s) "Regular property taxes" ((are)) means those taxes resulting from regular property tax levies.

~~((18))~~ (t) "Senior taxing district" means the state (for support of common schools), a county, a county road district, a city, or a town.

~~((19))~~ (u) "Statutory aggregate dollar rate limit" or "statutory aggregate limit" means the maximum aggregate regular property tax levy rate within a county established by law for senior and junior taxing districts, other than the state. See WAC 458-19-070 for the current limit.

~~((20))~~ (v) "Substantial need limit factor" means a limit factor approved by a taxing district's legislative authority that exceeds one hundred percent plus inflation. This limit cannot exceed one hundred one percent.

(w) "Statutory dollar rate limit" means the maximum regular property tax levy rate established by law for a particular class of taxing district.

~~((21))~~ (x) "Super majority" means a majority of at least three-fifths of the registered voters of a taxing district approving a proposition authorizing a levy, at which election the number of persons voting "yes" on the proposition ~~((shall))~~ constitutes three-fifths of a number equal to forty percent of the total votes cast in ~~((such))~~ the taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters of the taxing district voting on the proposition when the number of registered voters voting on the proposition exceeds forty percent of the total votes cast in ~~((such))~~ the taxing district in the last preceding general election.

~~((22))~~ (y) "Tax code area" means a geographical area made up of a unique mix of one or more taxing districts, which is established for the purpose of properly calculating, collecting, and distributing taxes. Only one tax code area will have the same combination of taxing districts, with limited exceptions.

~~((23))~~ (z) "Taxing district" means the state and any county, city, town, ~~((township))~~ port district, school district, road district, metropolitan park district, water-sewer district, or other municipal corporation, now or hereafter existing, having the power or authorized by law to impose burdens upon property within the district on an ad valorem basis, for the purpose of obtaining revenue for public purposes, as distinguished from municipal corporations authorized to impose burdens, or for which burdens may be imposed for public purposes, upon property in proportion to the benefits accruing thereto.